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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,950	03/15/2001	Rodney Senior	13620	3634
293	7590	01/28/2004	EXAMINER	
DOWELL & DOWELL PC SUITE 309 1215 JEFFERSON DAVIS HIGHWAY ARLINGTON, VA 22202			RHODE JR, ROBERT E	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/805,950

Applicant(s)

SENIOR, RODNEY

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings filed on 03/15/2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2 and 4 - 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koreeda (US 5,890,137) in view of Walker (US 6,193,155 B1).**

Regarding claim 1, the combination of Koreeda and Walker teach a method for selling product on-line, where computer terminals of potential purchasers are used to access a computer site comprising a selling computer, said method comprising: where Koreeda teaches (A) displaying general information about each product offered for sale to identify same (see at least Abstract and Figures 1 and 2); (B) displaying the current price and quantities at which the product is being offered for sale (see at least Abstract, Col 3,

lines 60 – 65 and Figures 2 and 5); (C) providing each potential purchaser with an actuation control for instructing the selling computer of the decision to purchase the product at the displayed price (see at least Abstract, Col 3, lines 60 – 65 and Figures 5 – 9B); (D) registering potential purchasers and obtaining and recording financial data for automated payment of purchased product (see at least Abstract and Figures 7 – 9B); (E) upon said purchaser operating said actuation control, and further upon receipt of said financial information, initiating a funds transfer to complete the sale and confirming purchase of the product by sending a message to the potential purchaser (see at least Figures 7 – 10); (F) storing information about the purchase in purchaser's account, including quantity of product purchased, for later dissemination to purchaser and/or entity delivering product to purchaser (see at least Abstract, Col 8, lines 3 – 4 and Figures 1, 6, 9A and 11). Regarding claim 2, Koreeda teaches a method of selling on-line, wherein step (D) can occur prior to operation of actuation control in step (E) or immediately thereafter (see at least Abstract, Figures 1 and 7 – 9B). In addition and regarding claim 4, Koreeda teaches a method of selling product on-line, wherein the product being sold can be goods or services (Abstract). Moreover and regarding claim 5, the recitation that “wherein the product being sold is gasoline”, such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “product” already disclosed by Koreeda.

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However, Koreeda does not specifically disclose or teach a method of (G) deferring delivery of quantities of purchased product, in whole or in part, until such time as purchaser requests delivery; and (H) updating stored information whenever purchaser takes delivery of any portion of purchased product, or whenever additional product is purchased.

On the other hand, Walker does teach a method of (G) deferring delivery of quantities of purchased product, in whole or in part, until such time as purchaser requests delivery (see at least Abstract, Col 2, lines 63 – 67 and Figure 8); and (H) updating stored information whenever purchaser takes delivery of any portion of purchased product, or whenever additional product is purchased (see at least Col 4, lines 4 - 6 and Figures 9 – 10B).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Koreeda with the method of Walker to have enabled a method for selling product on-line, where computer terminals of potential purchasers are used to access a computer site comprising a selling computer, said method comprising: (A) displaying general information about each product offered for sale to identify same; (B) displaying the current price and quantities at which the product is being offered for sale; (C) providing each potential purchaser with an actuation control for instructing the selling computer of the decision to purchase the product at the displayed price; (D) registering potential purchasers and obtaining and recording financial data for

automated payment of purchased product; (E) upon said purchaser operating said actuation control, and further upon receipt of said financial information, initiating a funds transfer to complete the sale and confirming purchase of the product by sending a message to the potential purchaser; (F) storing information about the purchase in purchaser's account, including quantity of product purchased, for later dissemination to purchaser and/or entity delivering product to purchaser; (G) deferring delivery of quantities of purchased product, in whole or in part, until such time as purchaser requests delivery; and (H) updating stored information whenever purchaser takes delivery of any portion of purchased product, or whenever additional product is purchased – in order to provide an online shopping method which allows selection of the product as well as deferring delivery and transaction approval. With this method, the customer's satisfaction will be increased due to the ability to buy now and later select and have the product purchased as well as delivered. Indeed with the increased customer satisfaction, the probability that the online customer's will return for additional shopping and too - increase the probability that the online customer will recommend the online site to others.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Koreeda and Walker as applied to claim 2 above, and further in view of Chelliah (US 5,710,887).**

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The combination of Koreeda and Walker disclose and teach substantially the applicant's invention.

However and regarding claim 3, Koreeda does not specifically disclose and teach a method of selling product on-line, wherein said selling computer is directly connected to separate and distinct financial institutions for real time confirmation of an acceptable financial transaction of the purchase price of the product.

On the other hand, Chelliah does teach a method of selling product on-line, wherein said selling computer is directly connected to separate and distinct financial institutions for real time confirmation of an acceptable financial transaction of the purchase price of the product (Col 11, lines 40 – 49 and Figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Koreeda and Walker with the method of Chelliah to have enabled a method of selling product on-line, wherein said selling computer is directly connected to separate and distinct financial institutions for real time confirmation of an acceptable financial transaction of the purchase price of the product – in order that the online customer will receive almost instantaneous approval of purchase(s). In this regard, the online customer will not have to wait an inordinate amount of time for approval, which is similar to offline and thereby increase their satisfaction with this online merchant.

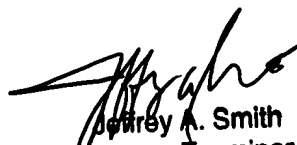
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached at 703.308.3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER

  
Jeffrey A. Smith  
Primary Examiner